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**PATENT APPLICATION**  
Docket No: 11016US05 / 100-236.P2.C2



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR §1.53(b)**

**Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR §1.53 for filing a

- continuation application.  
 divisional application.

**1. Particulars of Prior Application**

Application Serial No: 09/303,828  
U.S. Filing Date: May 3, 1999  
Title: Improved Therapeutic Compositions Comprising  
Bactericidal/Permeability-Increasing (BPI) Protein Products  
Art Unit: 1651  
Examiner: Naff, D.  
Prior Docket No.: 11016US04 / 100-236.P2.C1

**CERTIFICATION UNDER 37 CFR §1.10**

I hereby certify that this Continuing Application Transmittal Under 37 CFR §1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on October 24, 2000, postage prepaid, in an envelope addressed to BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL542916975US.

Sonji Shivers

2. This request is filed by:

1. Full Name of Inventor	Family Name  Lambert, Jr.	First Given Name  Lewis	Second Given Name  H.
Residence & Citizenship	City  Fremont	State or Foreign Country  California	Country of Citizenship  United States
Post Office Address	Post Office Address  45928 Omega Drive	City  Fremont	State & Zip Code/Country  California, 94539

2. Full Name of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

3. Full Name of Inventor	Family Name	First Given Name	Second Given Name
Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
Post Office Address	Post Office Address	City	State & Zip Code/Country

- This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

DRAFT - 60296960

### **3. Amendments**

- Amend the first sentence of the specification after "This is" by inserting:  
-- a Continuation of U.S. Application No.09/303,828, filed May 3, 1999 which is a continuation of U.S. Application No. 08/586,133, filed January 12, 1996, which is --.
- Cancel claims in the prior application before calculating the filing fee.
- A Preliminary Amendment is enclosed.
- The filing fee is based upon entry of the foregoing amendment(s) (if any).

### **4. Copy of Prior Application**

The enclosed is a copy of the prior complete application, including the specification (with claims), drawings, the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application. A Request to Use Computer Readable Form From Another Application with regard to the Sequence Listing is also enclosed.

### **5. Incorporation By Reference**

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

### **6. Priority**

- Priority of application No. \_\_\_\_\_, filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 USC §119.
- The certified copy(ies) was(were) filed in prior U.S. application Serial No. \_\_\_\_\_.
- The certified copy(ies) has(have) not been filed.

### **7. Assignment**

- The prior application is assigned of record to XOMA Corporation, and has been recorded at Reel No. 7835, Frame No. 0703 (3 pages).

### **8. Small Entity Status**

- Verified statement(s) claiming small entity status is(are) attached.
- Small entity status has been established in the prior application and is still proper and desired.

9. Fee Calculation

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	Fee	RATE	Fee
BASIC FEE				\$355.00		\$710.00
TOTAL	14-20	= 0	X 9 =	\$	X 18 =	\$
INDEP.	4-3	= 1	X 40 =	\$	X 80 =	\$ 80.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$	+ 270 =	\$
Filing Fee:				\$	OR	\$790.00

10. Method of Payment of Fees

- Attached is a check in the amount of: \$ \_\_\_\_\_
- Charge Deposit Account No. 13-0017 in the amount of: \$ \_\_\_\_\_  
A copy of this Transmittal is enclosed.
- This continuation application is being filed without a fee.

11. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees, other than the application filing fee, which may be required during the pendency of this application under 37 CFR §1.16 or 37 CFR §1.17 to Deposit Account No. 13-0017. A copy of this Transmittal is enclosed. Please refund any overpayment to McAndrews, Held & Malloy, Ltd. at the address below.

Please direct all future communications to:

Janet M. McNicholas, Ph.D.  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661

Respectfully submitted,

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By: Janet M. McNicholas

Janet M. McNicholas, Ph.D.  
Reg. No. 32,918

October 24, 2000